Remarks/Arguments:

Claim 22 is amended to included the limitation of claim 23 as claim 23 was indicated to be allowable. Claim 23 is therefore canceled. Claim 24 is amended to correct a minor error. The remaining claims are original. While claims 20 and 21 were indicated to be allowable, the Applicant prefers to reach a resolution on the allowability of base claim 11 before making amendments therefor. The Applicant appreciates the indications of allowability.

Claims 1-29 and 22 were rejected under 35 U.S.C. 102(e) as being anticipated by Chheda et al (US 6,073,025), which case has the same first named inventor as the present case.

As the present application claims an aspect of power control not taught by the prior art and not suggested by the '025 reference to Chheda, the Applicant will respond to the Official Action by discussing what the '025 reference to Chheda actually teaches and how that is different from the claimed invention. Along these lines, the Applicant notes that the present application actually admits in the Summary of the invention that it is known to adjust a power level to correspond with an adjustment in bit rate. Indeed, the '025 reference to Chheda teaches that which is admitted. For example, the '025 reference to Chheda states in col. 11, lines 2-3 that if a base station reduces a (bit) rate from full to ¼ , "then the base station reduces its power from delta full to ¼. The '025 reference to Chheda actually states "[h]owever, in the preferred embodiment, these delta's (power delta's) are the same as the delta's used for the decrease in data rate." <Clarification added> (Col. 11, lines 5-7). These quotations make clear that the teachings of the '025 reference to Chheda do not include the additional power change to account for diversity gain that is achieved with a reduction in a rate.

The present application goes beyond the teachings of the '025 reference to Chheda to teach and claim that the power may be changed by more than the rate decrease because of

diversity gain. Thus, for a given rate change of N, the power is changed by N + delta. The '025 reference to Chheda simply does not teach or suggest this realization. Generally, the diversity gain is realized as a bit rate is decrease by factor N. Accordingly, the power is reduced by a factor of N+delta. Because the diversity gain is lost when bit rates are increased, the power must be increased by the amount of N+delta for an increase of N in the bit rate. Support therefore may be found, among other places, on page 8, lines 12-23 of the originally filed specification.

Claim 1 requires:

1. A wireless transceiver system, comprising:

a processor;

a memory for storing computer instructions that define operational logic of the wireless transceiver system, wherein the logic causes the transceiver system to **increase or decrease transmission power levels by a factor that is characterized by the equation of N + Δ according to whether a data transmission rate is increased or decreased by a factor of N** and wherein the logic defines the value of Δ so that it varies according to at least one of detected system conditions and system data transmission rates; and

an internal bus coupled to the processor and the memory wherein the processor receives the computer instructions from the memory over the bus to execute the computer instructions.

As the bolded and underlined portion of claim 1 shows, a decrease of a value of 8 in the data rate would result in a power decrease of a value of 8 + Δ. As it is a goal of fast power control algorithms to minimize power, the present application recognizes that a diversity gain

that is achieved from rate reductions and therefore, that power may be reduced by an additional amount from what was previously known as from the amount taught in the '025 reference to Chheda. Accordingly, the rejection under 102(e) is believed to be overcome.

Similarly, claim 11 requires:

11. (original) A method for transmitting communication signals from a first wireless transceiver to a second wireless transceiver in a code division multiple access network, comprising:

transmitting the communication signals at a first data rate and at a first power level; and

transmitting the communication signals at a second data rate and at a second power level **wherein a difference in the first and second data transmission rates is less than the difference in the first and second power levels.**

As with claim 1, claim 11 makes clear that the power changes by a factor that is larger than a rate change factor. Accordingly, the rejection under 102(e) is believed to be overcome.

Please direct any questions or comments to the undersigned attorney regarding the foregoing.

Respectfully submitted,

Date: July 22, 2004 By: _____

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